

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)

Criminal Case No. 13CR3046-CAB

Plaintiff,

v.

WILLIAM RICHARD BAILEY,

Defendant.

**PROTECTIVE ORDER
REGARDING DISCOVERY AND
GRAND JURY MATERIAL**

This matter comes before the Court upon the motion of the United States for (1) authorization to disclose grand jury material to the defense team in the above-captioned case, and (2) a protective order to safeguard all discovery and grand jury material from disclosure to persons outside of WILLIAM RICHARD BAILEY (“Defendant”) and his defense counsel in the above-referenced case. Pursuant to the motion of the United States, Federal Rule of Criminal Procedure 16(d)(1), and General Order No. 514 of the United States District Court for the Southern District of California (“General Order No. 514”) pertaining to privacy matters, after considering the motion and the file in this case, the Court finds good cause for relief requested, and

IT IS HEREBY ORDERED that the motion is granted. The attorney for the United States is authorized to disclose to Defendant or to his counsel of record grand jury material which the United States intends to disclose in order to fulfill its statutory and Constitutional discovery obligations in this case. The term “grand jury material,”

1 as used in this order, means (1) transcripts of testimony before the grand jury, and (2)
2 documents or objects marked as grand jury exhibits;

3 IT IS FURTHER ORDERED that all discovery and grand jury material produced
4 by the United States in this case is for use by the “defense team” for investigating,
5 preparing for trial, trial, sentencing, and any appeals of this matter and for no other
6 purpose. For purposes of this Order, the Defendant’s “defense team” refers to
7 Defendant; Defendant’s counsel of record, including any members, associates, paralegals
8 and office staff of counsel of record’s law firm; and investigators, experts, and
9 consultants hired by counsel of record to assist in the defense of this criminal case.
10 Discovery and grand jury material produced by the United States may not be further
11 disseminated in any way to any other person or entity;

12 IT IS FURTHER ORDERED that the defense team shall take all reasonable steps
13 to (1) maintain the confidentiality of the discovery and grand jury material, and (2)
14 safeguard the discovery and grand jury material produced in this case from inadvertent
15 disclosure or review by any third party;

16 IT IS FURTHER ORDERED that Defendant’s counsel of record ensure that every
17 member of his/her defense team is advised of this Order and agrees to be bound by its
18 terms;

19 IT IS FURTHER ORDERED that if, in the course of preparing the defense in this
20 case, counsel of record or any member of his/her defense team needs to disclose
21 discovery and grand jury material to any person outside of his/her defense team (such as
22 to a third-party witness), counsel of record must obtain prior written authorization from
23 the Court, with such authorization to require that any such person to whom discovery and
24 grand jury material is disclosed agree to be bound by the terms of this Order, that
25 discovery and grand jury material be only shown to, and not left with, such person, and
26 that the discovery and grand jury material remain in the custody and control of the
27 defense team;

28 //

1 IT IS FURTHER ORDERED that to the extent that any of the above-referenced
2 discovery and grand jury material contains any individual's personal identification
3 information, within the meaning of General Order No. 514, any filings with the Court
4 referencing or containing said discovery and grand jury material, or any disclosure of
5 said discovery and grand jury material to witnesses must be redacted in a manner
6 consistent with General Order No. 514.

7 IT IS FURTHER ORDERED that no member of the defense team, including the
8 defense attorney, reveal to any Defendant the personal identification information, within
9 the meaning of General Order No. 514, that is contained in the discovery and grand jury
10 material produced by the United States related to any victim or witness of Defendants'
11 alleged fraud, as described in the Indictment or any other charging document, unless the
12 Court orders that Defendant may review the personal identification information;

13 IT IS FURTHER ORDERED that should defense counsel withdraw or become
14 disqualified from participation in this case, any discovery and grand jury material
15 produced pursuant to this Order shall be returned to the United States within ten (10)
16 days following withdrawal or disqualification;

17 IT IS FURTHER ORDERED that nothing herein should be construed as enlarging
18 the United States' discovery obligations or creating any right to material not otherwise
19 discoverable, as determined by the United States or as directed by the Court; and

20 IT IS FURTHER ORDERED that the defense team shall return any and all copies
21 of the discovery and grand jury material to the United States within ninety (90) days of
22 the conclusion of the proceedings in the above-referenced case, including any appeal.

23 IT IS SO ORDERED.

24 DATED: 9/5/13.

25 
26 HONORABLE CATHY A. BENCIVENGO
27 United States District Judge
28

ACKNOWLEDGMENT

I, William R. Bailey, have reviewed the foregoing Protective Order and
I agree to abide by its terms.

DATED: 9-5-13


Defense Counsel for William Richard Bailey